



# OLR RESEARCH REPORT

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## **D-SNAP FRAUD BY PROGRAM APPLICANTS AND RECIPIENTS**

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You asked for an explanation of how the state pursues individuals who fraudulently apply for or receive Disaster Supplemental Nutrition Assistance Program (D-SNAP) benefits. You were particularly interested in someone who is a first-time offender and how accelerated pretrial rehabilitation (AR) can be used as an alternative to jail time and a permanent record.

### **SUMMARY**

The law subjects individuals who fraudulently apply for or receive public assistance, including D-SNAP, to the penalties for 1<sup>st</sup> or 2<sup>nd</sup> degree larceny, depending on the amount of benefits fraudulently applied for or received. If someone commits this crime as a first-time offender, he or she would generally be eligible under the law to apply for AR. A person granted permission to participate in AR who successfully completes the program has his or her charges dismissed by the court.

According to officials from the Department of Social Services (DSS), that agency will review requests for AR when the state is considered the victim of the crime, as in D-SNAP cases. Depending on the facts of the case, it may oppose a person's application for AR and ask for restitution or it may not oppose the AR and simply ask for restitution. DSS' legal department writes a letter on behalf of the agency commissioner to the presiding judge with its recommendation and the reasons for it. The agency is not aware of any D-SNAP cases being prosecuted to date.

## **STATE LAW**

### ***Fraud in Obtaining Public Assistance***

The law punishes anyone who:

1. obtains or attempts to obtain SNAP (including D-SNAP) benefits he or she is not entitled to through intentionally false statements, misrepresentation, impersonation, or other fraud;
2. aids or abets someone in obtaining benefits the person is not entitled to; or
3. buys or aids and abets in buying or disposing of property of someone receiving a SNAP award.

The law punishes this conduct as 1<sup>st</sup> or 2<sup>nd</sup> degree larceny, depending on the amount of the benefits involved ([CGS § 17b-97\(b\)](#)).

### ***Defrauding a Public Community***

Under the larceny statutes, a person who commits this crime can be punished for defrauding a public community. If the value of the amount is more than \$2,000, the person commits 1<sup>st</sup> degree larceny, which is a Class B felony. The penalty for a Class B felony is one to 20 years imprisonment, a fine of up to \$15,000, or both ([CGS § 53a-122](#)).

If the value of the benefits is \$2,000 or less, the person commits 2<sup>nd</sup> degree larceny, a Class C felony punishable by one to 10 years in prison, a fine of up to \$10,000, or both ([CGS § 53a-123](#)).

### ***Accelerated Pretrial Rehabilitation***

The state's AR program can be used by judges when sentencing certain people charged with crimes that are not serious but for which there can be a prison sentence. AR cannot be used by people who have been convicted of crimes in the past or those who were eligible for or used certain prison diversion programs in the past, such as AR.

Before being given AR, the defendant must notify the victim, if there is one, and the victim can give the court his or her opinion about the defendant's application for AR. If the court finds that the person is not likely to offend again in the future, it can grant AR and the defendant is released to the custody of the Judicial Department's Court Support Services Division, under which he or she is supervised for up to two years.

If the defendant completes the AR program successfully, the court dismisses the charges.

Defendants charged with certain crimes, such as a B felony, may not apply for AR, but the law makes an exception for those charged with 1<sup>st</sup> degree larceny. Someone charged with a class C felony is eligible only when good cause is shown. Hence, someone charged with D-SNAP fraud would appear to be eligible to apply for AR if it is a first offense.

Applicants for AR must pay a \$35 application fee and a \$100 program fee. (Defendants charged with hate crimes pay a higher AR fee.)([CGS § 54-56e](#)).

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